

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN K. ZESTOS,

Plaintiff,

v.

Case Number 09-10644

Honorable Thomas L. Ludington

FIRST MORTGAGE LOAN SERVICING,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND SUA SPONTE DISMISSING PLAINTIFF'S COMPLAINT**

On March 20, 2009, Magistrate Judge Charles E. Binder issued a report and recommendation that the Court sua sponte dismiss Plaintiff's complaint for lack of subject matter jurisdiction. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 3] is **ADOPTED**.

It is further **ORDERED** Plaintiff's complaint is **DISMISSED** for lack of subject matter jurisdiction.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 7, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 7, 2009

s/Tracy A. Jacobs
TRACY A. JACOBS